

United States Senate

WASHINGTON, DC 20510

October 24, 2007

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20515

Dear Chairman Martin:

Section 202(h) of the Telecommunications Act of 1996 requires the Federal Communications Commission (FCC or Commission) to determine periodically whether any of its media ownership rules “are necessary in the public interest as the result of competition.” We are pleased the Commission has initiated a comprehensive media ownership proceeding, including a review of the rules which govern local radio ownership limits. Further, we feel the rapidly changing and increasingly competitive audio marketplace compels the FCC to repeal or modify its radio ownership rules.

Since the 1996 Act was signed into law, the audio marketplace has changed dramatically. The number of terrestrial radio stations operating in the United States has increased by nearly 1,800 since passage of the Telecom Act. Digital audio radio services, which did not exist prior to 2001, now provide well over 300 channels of audio programming to every market in the United States and compete directly with existing terrestrial broadcasters. Additionally, personal digital media devices and Internet programming give consumers an array of options they did not enjoy a decade ago. In this increasingly competitive environment, limiting radio station ownership to 8 stations in the nation’s largest markets is almost quaint.

Ironically, limitations on station ownership act to limit the ability of station owners to meet the needs of their communities, particularly in the largest markets in the country. These markets are among the most diverse in the country, and thus have the most diverse needs for local broadcasters to serve. Unfortunately, FCC rules limiting to 8 the number of stations that any one entity can own effectively limit the number of formats that can be programmed. The results are un-served, and under-served, segments of the market in our largest cities.

Since 1993, and especially in the wake of passage of the Telecom Act – in which Congress increased the local ownership caps – market forces have resulted in the more than doubling of the number of formats and a corresponding rise in the variety of listening options available to the public from terrestrial radio stations. As a result, there is more niche programming, such as Spanish language programming and news/ talk channels, available to listeners in major markets today than there was prior to 1996.

In light of changes in the marketplace due to competition and the positive results stemming from the 1996 increase, we urge the Commission to consider the repeal of radio ownership caps, or, at the very least, make some modest changes in its radio ownership rules for the largest markets in the country. Specifically, in the ongoing proceeding the Commission could consider revising its rules to permit a single entity to own up to 10 stations in markets with

60 or more stations, and up to 12 in markets with 75 or more, rather than the current cap of 8 stations in all of these large markets.

Our national policies and regulations should not specifically limit terrestrial radio and the option it provides to consumers in an otherwise vibrant and increasingly competitive audio marketplace. These suggested targeted changes in the radio ownership rules would continue the success realized in the wake of the 1996 Act's relaxation. The result will be increased programming options for local communities across the country.

We appreciate your taking our views into consideration during the ongoing proceeding, and we look forward to hearing from you soon.

Sincerely,



Jim DeMint, U.S. Senator



John E. Sununu, U.S. Senator



Thad Cochran, U.S. Senator



James M. Inhofe, U.S. Senator



John Ensign, U.S. Senator



Sam Brownback, U.S. Senator



Larry E. Craig, U.S. Senator



Tom Coburn, U.S. Senator



Pat Roberts, U.S. Senator



Richard Burr, U.S. Senator



John Cornyn, U.S. Senator



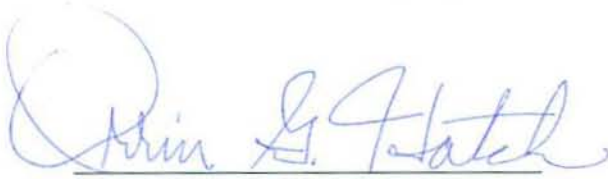
Saxby Chambliss, U.S. Senator



Robert F. Bennett, U.S. Senator



Mel Martinez, U.S. Senator



Orrin G. Hatch, U.S. Senator